

Town of Nolensville
Board of Mayor and Aldermen Meeting
Date: June 5, 2008, Time 7:00 p.m.
Nolensville Elementary School

Mayor Beth Lothers opened the meeting at 7:00 p.m. Members present were Aldermen Jimmy Alexander, Joe Curtsinger, Tommy Dugger, and Ken Thomas. Staff present: Counsel Robert Notestine, Town Planner Henry Laird, Town Engineer Don Swartz, Consulting Engineer Tom Allen, and Recorder Cindy Lancaster. There were 28 citizens present.

Pastor Ron Wilcoxson, of Bent Creek Community Church, led the Prayer and Pledge.

Citizens Input:

Mr. Aubrey Short, 803 Rockwood Drive, showed the Board Brentwood Tennessee's budget newspaper notice. He noted that within the Nolensville Charter it states that the notice should be placed in the newspaper within ten days of final reading. He stated that this was not published in a local paper; therefore this budget was not processed through the proper procedures. He added that it was not published on the Nolensville web site. He told the board that he would appreciate an answer.

Mayor Lothers noted that there has been publication in the newspaper regarding the budget. She further added that the town has performed the proper procedure in advertising.

Ms. Lynda Moses, 2230 Rocky Springs Road, told the Board that she did not mean for her following comments to be criticism. She noted that she had two issues that she wanted to bring before the Board. Ms. Moses stated that Mr. Darren Scheff of the Nolensville Feed Mill, is planning to hold a Farmers Market. She noted that booths would be outside in the heat. She stated that there is a vacant building at this location and asked if there could be an exception just this one time, to allow these vendors to be inside. Ms. Moses added that Nolensville was founded 211 years ago and it was segregated eleven years ago. She stated that people who were on the original Boards worked very hard with emphasis being placed on three things 1. Everyone wanted to see the stars, 2. We don't want to look like Nashville, and 3. We wanted the Historic area to be preserved. Ms. Moses stated that the reason for incorporation was to keep Nolensville's heritage. There are no incentives for people who own historic homes and businesses in the Historic area. Ms. Moses stated that she would like to see some of the old timers who have been weaned off the Boards are reappointed. She stated that she thought it would be an asset for the next Alderman to be a long time citizen.

Mayor Lothers stated that there is a place for everyone to serve. She noted that Mr. Frank Wilson and Mr. Willis Wells are on the Planning Commission and Reverend Alfred Bennett is on the Trails and Trees Committee. She stated that if anyone would like to be on a Board or Committee to please contact her and she would find a place for that individual to volunteer.

Mr. Chuck Fann, 2167 Kidd Road, reminded the audience that the Williamson County Fair is in need of volunteers. He noted that the 2008 dates for the Fair are August 1 through 9. He also added that the Nolensville Chamber of Commerce would have its Annual Broken Wheel Festival in September. He invited everyone to attend and participate in each of these events.

Reverend Alfred Bennett, 7286 Nolensville Road, stated that sometimes “old” and “new” Nolensville people are mentioned. He noted that there are exciting new people moving in and exciting people who have lived in Nolensville for years. Ms. Bennett and he have begun inviting 12 people to their home with a mix of the new families and old families. They are doing this so that everyone can get to know one another.

Alderman Dugger made a motion to approval the regular meeting minutes of June 5, 2008, Alderman Thomas seconded. There were no additions or corrections and the minutes were approved unanimously.

Mayor Lothers made a motion to approve the treasurer’s report for April, Alderman Dugger seconded the motion. The vote was taken and this report was approved unanimously.

COMMITTEE REPORTS:

Chair Rick Owens reported for the Planning Commission.

- Mr. Brian Truman spoke to the Commission on behalf of the Bent Creek Homeowners Association in regards to proposed lot size changes
- Bent Creek’s request was denied
- Burkitt Place final plat was passed unanimously
- Ballenger Farms was approved
- N Town Storage Site Plan Review was passed unanimously
- Zoning ordinance amendment in regards to storm water passed unanimously
- Monthly bond report was approved

Historic Commission Member Mr. Bob Crigger reported for the Historic Commission.

- Met on May 29th
- Nolensville United Methodist Church was issued a Certificate of Appropriateness

Fire Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- A Tower site has been located
- Looking for a car that may be donated to be used in Extrication School
- Recently completed an Arson Class

Planner Henry Laird reported for the Planning Department.

- Noted there was no report

Engineer Don Swartz reported for the Engineering Department noting that the redesign of Rocky Fork Road was submitted to Mountain States. He noted that a cost proposal would be forthcoming. Mr. Swartz stated that the Nolensville Road and Rocky Fork/Clovercroft signalization is being submitted to TDOT. Mr. Swartz added that Nolensville received a letter in March from TDEC stating they have located a stream associated with the Rocky Fork

realignment. He added that they are considering this a stream and not a ditch. Mr. Swartz advised the Board that the Town must provide a corrective action plan. The Town has met with TDEC along with Florence & Hutcheson and the verbal direction was to connect the identified stream with pipe under the road. There will be two cost proposals for this work and the eastern access work that should come to Town Hall next week. The original design engineer provided documentation as to their discussions with TDEC where this ditch was not identified as a stream.

Alderman Curtsinger asked if Florence & Hutcheson provided the Town with a copy of the letter. Mr. Swartz stated that the Town was in possession of a letter from Clifton & King Engineering. Mr. Swartz read the letter dated in 2005 and noted that a map was attached showing where they had walked the area and nothing indicated that there was a stream.

Mayor Lothers noted that TDEC has different variables to determine if this is a stream. She noted that if TDEC says that this is a river – it's a river. Alderman Thomas asked about the letter from TDEC. Mr. Swartz read the letter from TDEC and added that it surprised all of us, but due to changes they are looking for stream quality as well as quantity. Mr. Swartz noted that the Town does not have cost information as of today.

Alderman Curtsinger asked if the state reviewed the entire project. Mr. Swartz stated that they reviewed the project. Alderman Curtsinger stated that it looks like we should not allow them to run over us. Counsel Notestine stated that the State could enforce the Town to comply with State Law. He added that the Town has requested the requirements in writing and are waiting on their response.

Police Chief Paul Rigsby reported for the Police Department.

- Written statistics were distributed to Board
- A Grundy County Deputy was killed while serving a warrant – donations for his family are being accepted

Mayor Lothers congratulated the Chief and Department noting the Board had a copy of a supplement for the Williamson Herald. The paper has articles that are in regards to grants the Department has received.

Alderman Curtsinger noted that on the stats there is a list of citations/charges. There is one officer that makes most of the stops and issues the most citations. He asked if there was a reason for the difference. Chief Rigsby noted that Officer Buckley was out for the month of May. When he returned, he was ready to work. Alderman Curtsinger asked if he worked days or nights. Chief Rigsby stated that he works a little of both.

Mr. Bob Hayes reported for the Public Works Department.

- Grass mowing is consuming most of the Department's time
- Repair of pot holes from the winter is ongoing
- Flags are being hung for Memorial Day and will be put up for Flag Day also
- Preparing for the July 4th Fireworks Celebration

Chair Suzie Lindsey reported for the Events Committee noting that money has been raised to cover the cost of the Celebration. She showed the audience and Board posters that have been printed advertising the event in addition to the sponsors. Ms. Lindsey stated that family games will open at 6:00, and the fireworks display will begin at dusk. She noted that the inflatables would be free for the kids; in addition there will be a homemade pie contest. Alderman Thomas added that this being the second year the crowd should be much larger. He reminded the audience that there is a proper way to be a part of this event. Alderman Thomas asked if anyone wishes to distribute information in regards to their business to please go through the Town Events Committee.

Mr. Jason Patrick reported for the Economic Development Committee. He stated that last month this Committee reported that a survey would be performed. This survey has been completed. He noted the purpose of the survey and noted that several Nolensville residents volunteered for this project. The United Telephone Directory was used and various "776" prefixes were called. There were 463 residents called. Two hundred and twenty eight agreed to participate in the survey. He noted that the response rate was high compared to other survey responses. He noted the various questions that were asked and then went over the age, gender, and length of residence in Nolensville from the survey.

Mr. Patrick demonstrated the survey with a Power Point presentation going over the answers from the survey in addition to the percentages of the answers. He advised the audience that there was no need for a larger number of participants. Dr. Graeff, with MTSU, concluded with this Committee stating that you could do this night after night and get approximately similar numbers. Mr. Patrick noted that he was one of the volunteers that surveyed Nolensville residents over the phone. He noted that people tend to have a relationship with their Attorney, CPA, and hairdresser. These types of services people do not mind driving to their choice of service. Therefore, people chose not to increase these type services or professions.

Mr. Patrick stated that Nolensville residents are very interested to see new restaurants. Mr. Patrick noted there is a strong support to put in a store to fill the gap created by the departure of Piggly Wiggly. The last question was to allow the resident to be as specific as possible about retail stores and development. Some of the answers were Chili's, O'Charleys, an auto part store, bowling alley, Zaxby, Aldi's, and a lot of restaurant ideas.

Ms. Lynda Moses, from the audience, stated that she had spoken to Dollar General Market and Aldi's and they are not interested. Mr. Bob Haines, from the audience, ask that the results be placed on the web site for view. Mayor Lothers thanked the Committee Members in addition to Mr. Chuck Fann for all their hard work.

Mayor Lothers noted that Trails and Trees should have a report next month.

Mayor's Report:

a. Temporary Sign Discussion

Mayor Lothers stated that some complaints had been placed on the temporary signs set-up over the weekend period in Nolensville. Mr. Michael Blanks, the Building Official met with the builders and discussed the Town's regulations on temporary signs. Mr. Blanks, could not be here tonight, but feels strongly the ordinance should be enforced. Mayor Lothers read

portions of the ordinance. She noted that a builder could obtain a temporary sign permit, although this does not allow them to be placed in the right of way. Mr. Swartz noted that the builders would be most affected. He stated that occasionally there would be a “lost cat” sign that is not in compliance. Mr. Swartz added that it is necessary when the Town enforces this ordinance it is enforced across the board.

Mayor Lothers asked the Board for their opinion. Alderman Dugger said that the ordinance should be enforced. Mr. Chuck Fann, from the audience, stated that on Memorial Day weekend there were at least 15 signs on Kidd Road. He added that if they would be sensible about it, it would not look so bad.

b. Other

Mayor Lothers stated that she has had up to three complaints about ice cream trucks music being excessively loud. She noted that the Town requires a Solicitation/Peddler Permit to be obtained. The Police Department has notified the vehicles of the Town’s criteria. Mayor Lothers stated that some Municipalities are performing background checks on these individuals. Counsel Notestine noted a 2002 US Supreme Court ruling states that Cities can regulate, but they cannot infringe on the Freedom of Speech. He noted the Watch Tower case says you can have a permit and regulate it, although you cannot go much further than that. Counsel Notestine stated for that reason alone you have to be careful. He added that the Town is looking at this further. Alderman Curtsinger asked if the ordinance applied to roadside stand. Counsel Notestine noted that is prohibited.

Town Planner Laird stated that he could not locate it at this moment within the Zoning Ordinance, although Nolensville did restrict the stands, but allowed the vehicles. Alderman Thomas stated that being the father of two children he does have a concern and feels that the Town could never be too cautious. Counsel Notestine noted that the Tennessee Constitution states that you cannot fine someone more than \$50; therefore if someone is breaking the law we can only impose a penalty of \$50. Chief Rigsby stated that the Department has written two warnings. The Chief clarified that Nolensville has not had any serious incidents regarding this issue. There have only been noise violations. Chief Rigsby added that our ordinance states they cannot use speakers or music and this is the violation. Mayor Lothers stated that she had received one email that was a safety concern.

First reading of Ordinance #08-06, an ordinance to amend Zoning Ordinance #04-09, regarding the duties of the Board of Zoning Appeals and the Storm Water Appeals Board. Mayor Lothers went over this ordinance noting this is a “clean-up” ordinance. She noted that the Town is trying to do the right thing and we need to make sure the process is done properly. Mayor Lothers noted that the Town would like for the Board with the expertise in the Storm Water field to hear any variances regarding Storm Water issues. She noted that currently the Zoning Ordinance refers these variances being forwarded to the Board of Zoning Appeals. Mayor Lothers noted that there has been discussion with Counsel on the proper solution. She stated that Mr. Tom Allen, the Storm Water Engineering Consultant, is in attendance and she referred this item to him. She added that the Town belongs to the Flood Insurance Program and will be audited on these variances. Mr. Allen stated that his opinion would be to pull out the Flood Plain portion in the Zoning Ordinance and have a stand-alone ordinance. Mr. Allen stated that there were three legal requirements that were mandated, with one being the Town had to have an ordinance in

place by December 2004. He added that due to the deadline for adoption there maybe other situations that arise and will need addressing. Counsel Notestine stated that it was his recommendation to defer. He further stated that it was his recommendation to remove any storm water or water issues from the Zoning Ordinance. He added that there are so many changes that need to be made it should not be acted upon tonight. Alderman Alexander agreed and said that maybe the sponsor should withdraw this ordinance. Mayor Lothers made a motion to lay it on the table, Alderman Alexander seconded and this passed unanimously.

First reading of Ordinance #08-07, an ordinance to amend Chapter 18, of the Municipal Code, Chapter 1, pertaining to the Storm Water Appeals Board. Mayor Lothers asked for Mr. Allen's opinion. His opinion was that this ordinance should move forward. Alderman Dugger made a motion to approve this ordinance, Alderman Alexander seconded and this was approved unanimously.

Second reading of Ordinance #08-05, an ordinance for the Town Of Nolensville to adopt a budget for the fiscal year July 1, 2008 through June 30, 2009. After no discussion, Mayor Lothers made a motion to approve the ordinance on second reading, Alderman Thomas seconded and this was approved by majority with Mayor Lothers, Aldermen Alexander, Dugger and Thomas for, Alderman Curtsinger against.

Other:

Mayor Lothers asked the Board their opinion on having the regular Board meeting on July 3rd, due to the July 4th Holiday. Alderman Dugger asked if we anticipated a Special Meeting for the Rocky Fork Road issue. Mayor Lothers stated that there would be a Special Meeting called. Alderman Dugger stated that he thought not to have a July 3rd meeting, but allow the Special Meeting to act as the July.

Alderman Curtsinger stated that he was not in favor of a Special Meeting. He stated that every time there is a Special Meeting it cost us extra money. Alderman Curtsinger said that we have the TDEC bunch that we don't know what is going on. We do not have Florence and Hutcheson in attendance to explain things. Alderman Curtsinger added that we don't know when the State is going to be happy with this project. He added that we need to have all these things ironed out on each position before we meet rather than a last minute change, because it has cost us dearly so far. Mayor Lothers stated that she wanted to clarify that any change orders or change in cost have not been rushed. Mayor Lothers stated that was the point of the Special Meeting to have consultants and contractor present when the final cost proposals are ready. Mayor Lothers stated that if we want the road project to continue, we have to have a Special Meeting. She stated that staff would provide the information that is needed with Florence and Hutcheson and the experts. Mayor Lothers stated she disagreed with Alderman Curtsinger and if he was involved in the day-to-day operation he would see that it was very methodical. Alderman Curtsinger stated that he disagreed and referred to the TDEC issue. Alderman Dugger stated that the Town cannot control TDEC. Alderman Curtsinger stated that the Town should have TDEC state that this is not going to happen again. He added that the Town is going to get stung again and a couple of weeks is not going to make a difference. Alderman Dugger reminded the Board that it will cost extra funding to have that company move their equipment and have to bring it back to the Rocky Fork Road project.

Mayor Lothers stated that this is not uncommon on road projects, but they were waiting on information from TDEC in writing. Alderman Dugger noted that TDEC is their own entity and what a town does is not going to change their mind. Alderman Alexander stated that he was employed at Metro and at that time you worked on TDEC's time. Alderman Curtsinger stated that Florence & Hutcheson should have this ironed out before we meet, we are looking at bridge decks where concrete standards did not get met, now surveys wrong by three guys. Alderman Curtsinger stated that now it's getting rushed up again. Mayor Lothers stated that she disagreed with his characterization. She stated that so far Alderman Curtsinger had thrown out incorrect names of who designed the road or who is a consultant. She noted that this information has been given out numerous times. She added that if he was going to be critical he needed to have his facts straight on who is getting criticized. Alderman Curtsinger stated that his facts were straight. Mayor Lothers stated that this board will always be provided with full information before making a decision, that is why it is not on the agenda this evening. Alderman Curtsinger stated that we need it out there so people can study it ahead of time, not at a Special Meeting.

Mr. Aubrey Short, from the audience, stated Point of Order.

Mayor Lothers stated that the Board has two issues at hand. There will be a Special Meeting and the next regular meeting the day before a Holiday. Mayor Lothers made a motion to keep the monthly meeting scheduled, Alderman Thomas seconded, and this was approved unanimously. She added that she will advise the Board the date of the Special Meeting.

Engineer Swartz stated that he did not mean to beat a dead horse, although with the federal law "Endangered Species Act", we must comply with their request. He then briefly explained this federal law. Mayor Lothers stated that the Town made its points and TDEC took that into consideration. She added that TDEC stated they know the Town did not deliberately omit obtaining a permit.

The meeting adjourned at 9:01 p.m. by acclamation.

Respectfully submitted,

Approved,

Cindy Lancaster
Town Recorder

Beth Lothers
Mayor